

### REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-14 are pending, and claims 1, 2 and 14 are independent claims.

#### **§ 102 REJECTION – OBIKANE**

Claims 1, 2, 7, 10 and 14 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Obikane (USP 6,404,818, hereinafter "Obikane"). Applicants respectfully traverse the rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. See *M.P.E.P.* 2131; *M.P.E.P.* 706.02. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Obikane fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, in part, "a parameter setting section for selectively adding, after multiplexing has occurred, a parameter to the multiplexed packet string output from the multiplexing section to output an output multiplex stream." Independent claim 2, which has not been amended, and independent claim 14 recite similar features.

In the Office Action (page 2, section 2), it has been alleged that the packetizer 21B of Fig. 12 of Obikane is a parameter setting section which corresponds to Applicants' claimed "parameter setting section". From Fig. 12, it is clear that the packetizer 21B packetizes the coded video data S21 before the coded video data is multiplexed by the multiplexer 29. In other words, the parameters of Obikane are not set in the final output or after multiplexing by the multiplexer 29. Instead, Obikane teaches that the parameters be set before the coded video data is multiplexed.

In the Applicants' claimed invention certain parameters are set after multiplexing. For example, the Applicants have discovered that if parameters having continuity are added in the parameter setting section of the media data coding and multiplexing apparatus at the final stage (after multiplexing), parameters which need to be set continuously can be set in one batch and continuity can be easily held. There is no disclosure whatsoever of this claimed feature in the Obikane patent, and Obikane actually appears to teach away from the claimed invention by setting parameters before multiplexing.

For at least the above stated reasons, independent claims 1, 2 and 14 are patentable and not anticipated by Obikane. Claims 7 and 10 depend from either claims 1 or 2, and they are not anticipated for at least the same reasons as claims 1 and 2. Accordingly, Applicants respectfully request that the rejection of claims 1, 2, 7, 10 and 14, based on Obikane, be withdrawn.

**§ 103 REJECTION – OBIKANE**

Claims 11-13 stand rejection under 35 U.S.C. § 103(a) as allegedly being unpatentable over Obikane. Applicants respectfully traverse this rejection. Since it has been shown above that claim 1 is patentable over Obikane, and since claims 11-13 depend from independent claim 1, claims 11-13 are also patentable over Obikane for at least the same reasons. Applicants also respectfully request that the rejection of claims 11-13, based on Obikane, be withdrawn.

**ALLOWABLE SUBJECT MATTER**

Applicants note that the claims 3-6 and 8-9 are indicated to define allowable subject matter, but they have been objected to as depending upon rejected base claims. It is respectfully submitted that the rejected base claims are in condition for allowance, and it respectfully requested that the objection to claims 3-6 and 8-9 be withdrawn.

**CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Richard McGrath (Reg. No. 29,195), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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